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DAZENSKI, MARC A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/029,178

**Applicant(s)**

KURODA, KAZUO

**Examiner**

MARC DAZENSKI

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-45 is/are rejected.
- 7) ☒ Claim(s) 42-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 41-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

**Claims 42-45** are objected to because of the following informalities: the claims all depend from "claim 1." However, claim 1 has been canceled; the examiner interprets claims 42-45 to depend from claim 41. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

**Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 8 of the claim refers to "certain data." However, the term "certain data" does not appear in the specification, and as written it is unclear as to what data Applicant is referring (i.e., it is not known whether the "certain data" is referring to contents data, contents abstraction data, search data, corresponding abstraction data, etc.).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 41-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al (US Patent 6,988,244), hereinafter referred to as Honda, in view of Kunieda et al (US Patent 7,277,621), hereinafter referred to as Kunieda.

Regarding **claim 41**, Honda discloses an image generating apparatus and method. Further, Honda discloses a moving picture retrieving and distributing system, which reads on the claimed, "a terminal," as disclosed at column 3, lines 65-67 and exhibited in figure 2; the apparatus comprising:

terminal device (4) comprising network controller (48) which is connected to the network (2) and controls communications, as well as web server (3) which mainly retrieves a moving picture or retrieves and distributes visual digest index pictures as still pictures generated from a moving picture in accordance with a request from the terminal device (4), which reads on the claimed, "a receiving module configured to receive contents data from a contents server, the contents data including a plurality of sections each including contents abstraction data abstracting corresponding one of sections," as disclosed at column 4, lines 21-25; column 4, line 56 through column 5, line 4; as well as exhibited in figure 2;

keyboard (33) and mouse (34) which are used in conjunction with internet browser unit (81) which receives and displays information including a keyword used for retrieval, which reads on the claimed, "an input module configured to allow a user to input search data for searching at least one of sections," as disclosed at column 4, lines 57-58; column 6, line 64 through column 7, line 1; column 7, lines 54-64; and column 8, lines 16-17;

index storing unit (74), index related information storing unit (76), and still picture storing unit (79) which collectively store VD index files, index related information, and still pictures each of which is made associated with each of VD index pictures included in the VD index file, which reads on the claimed, "a storage module configured to store a data table storing abstraction data correlated with certain data," as disclosed at column 6, lines 8-53 (with particular emphasis on lines 8-10, lines 29-34, and lines 47-51);

internet browser unit (81) which monitors both the position of the mouse pointer and whether the mouse is clicked or not to determine which VD index picture representative of a moving image is selected for reproduction, which reads on the claimed, "a selection module configured to allow the user to select at least one section from the identification list," as disclosed at column 17, lines 27-36; and,

internet server unit (71) which specifies the corresponding moving picture on the basis of the VD index specifying information, generates the moving picture reproduction command code and transmits it to the terminal device (4), and then the internet browser unit (81) receiving the command code and requesting the moving picture server (5) to

distribute the moving picture, which reads on the claimed, "a transmission module configured to transmit the inputted search data and identification data for identifying a section of the contents data corresponding to the selected section to the contents server as selection result information," as disclosed at column 17, lines 37-52.

However, Honda fails to disclose an abstraction module configured to convert the search data into corresponding abstraction data based on the data table; a calculation module configured to obtain degree of similarity between the corresponding abstraction data and the contents abstraction data; a display control module configured to display an identification list describing at least one section of the contents data, the described section having the degree of similarity higher than a given level. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Kunieda.

In a similar field of endeavor, Kunieda discloses a recording medium with video index information recorded therein video information management method which uses the video index information, recording medium with audio index information recorded therein, audio information management method which uses the audio index information, video retrieval method which uses video index information, audio retrieval method which uses the audio index information and a video retrieval system. Further, Kunieda discloses video retrieval device (704) for retrieving video information coincident to or similar to a desired retrieval condition from the video information database (701) using the video information delivery file (703), wherein when retrieval conditions indicating a desired video-image (scene) are inputted, the retrieval device (704) identifies retrieval

information coincident to or similar to the retrieval conditions using various types of retrieval information in the retrieval information delivery file (703), and the first and second items of a record most completely satisfying the inputted retrieval conditions (namely a record with a highest coincidence degree or a similarity degree) may be outputted as a result of retrieval, which reads on the claimed, "an abstraction module configured to convert the search data into corresponding abstraction data based on the data table; a calculation module configured to obtain degree of similarity between the corresponding abstraction data and the contents abstraction data; a display control module configured to display an identification list describing at least one section of the contents data, the described section having the degree of similarity higher than a given level," as disclosed at column 32, lines 14-17 and column 34, lines 7-34.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image generating apparatus and method of Honda to include video retrieval device (704) for retrieving video information coincident to or similar to a desired retrieval condition from the video information database (701) using the video information delivery file (703), wherein when retrieval conditions indicating a desired video-image (scene) are inputted, the retrieval device (704) identifies retrieval information coincident to or similar to the retrieval conditions using various types of retrieval information in the retrieval information delivery file (703), and the first and second items of a record most completely satisfying the inputted retrieval conditions (namely a record with a highest coincidence degree or a similarity degree) may be outputted as a result of retrieval, as taught by Kunieda, for the purpose of

presenting a user with search results containing only data relevant to inputted search data.

Regarding **claim 42**, the combination of Honda and Kunieda discloses everything claimed as applied above (see claim 41). Further, Honda discloses the index pictures are so-called digest still pictures are generated on the basis of partial images sampled from a series of still pictures which form a moving picture through a moving slit window and are listed in accordance with the time, as well as web server (3) retrieves a moving picture or retrieves and distributes visual digest index pictures as still pictures generated from a moving picture in accordance with a request from the terminal device (4), which reads on the claimed, "wherein the contents abstraction data include information for representing audio data or image data included in a section of the contents data," as disclosed at column 1, lines 38-44 and column 4, lines 22-24.

Regarding **claim 43**, the combination of Honda and Kunieda discloses everything claimed as applied above (see claim 41). Further, Honda discloses index display area (102) displaying the keyword used for retrieval, which reads on the claimed, "wherein the search data includes audio data or character information," as disclosed at column 8, lines 16-17 (wherein "keyword" implies that text characters are used for the search data).

Regarding **claim 44**, the combination of Honda and Kunieda discloses everything claimed as applied above (see claim 41). Further, Honda discloses reproduction command code including the storage address of the moving picture file as well as the reproduction start position, which reads on the claimed, "wherein the identification data



includes address information or reproducing time information of the section of the contents data," as disclosed at column 17, lines 37-52.

**Claim 45** is rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al (US Patent 6,988,244), hereinafter referred to as Honda, in view of Kunieda et al (US Patent 7,277,621), hereinafter referred to as Kunieda, in view of Uesaka (US Patent 6,775,669), hereinafter referred to as Uesaka.

Regarding **claim 45**, the combination of Honda and Kunieda discloses everything claimed as applied above (see claim 41). Further, Honda discloses web server (3) and moving picture server (5) as part of a moving picture retrieving and distributing system, which reads on the claimed, "a contents server," as disclosed at column 4, lines 9-20 and exhibited in figure 2; the apparatus comprising:

internet browser unit (81) which monitors both the position of the mouse pointer and whether the mouse is clicked or not to determine which VD index picture representative of a moving image is selected for reproduction, as well as the number of devices connected to the network is not especially limited, and further all the components may be provided in a single apparatus, which reads on the claimed, "an acquiring module configured to acquire selection result information from a plurality of terminals according to claim 1," as disclosed at column 17, lines 27-36; column 4, lines 16-20; and column 18, lines 63-65; and,

internet server unit (71) which specifies the corresponding moving picture on the basis of the VD index specifying information, generates the moving picture reproduction command code and transmits it to the terminal device (4), and then the internet browser

unit (81) receiving the command code and requesting the moving picture server (5) to distribute the moving picture, which reads on the claimed, "a summarizing module configured to summarize the inputted search data and the identified one part of the contents data identified by the identification data corresponding to the inputted search data," as disclosed at column 17, lines 37-52.

However, the combination of Honda and Kunieda fails to disclose a storage unit configured to store a database storing the inputted search data correlated with the identified section that a number of terminal selecting the identified section is higher than a given number. The examiner maintains it was well known in the art to include the missing limitations, as taught by Uesaka.

In a similar field of endeavor, Uesaka discloses retrieval processing method and apparatus and memory medium storing program for same. Further, Uesaka discloses database (24) which includes records that comprise keywords (440) designated by a user requesting information retrieval, as well as a number of times the record has been used (480) and a rank of importance of the record (490), the number of times of use (480) is updated and when it has exceeded a selected value, the value in the rank of importance (490) is updated, which reads on the claimed, "disclose a storage unit configured to store a database storing the inputted search data correlated with the identified section that a number of terminal selecting the identified section is higher than a given number," as disclosed at column 5, lines 4-61 (with particular emphasis on lines 24-27, 36-44, and 52-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Honda and Kunieda to include database (24) which includes records that comprise keywords (440) designated by a user requesting information retrieval, as well as a number of times the record has been used (480) and a rank of importance of the record (490), the number of times of use (480) is updated and when it has exceeded a selected value, the value in the rank of importance (490) is updated, as taught by Uesaka, for the purpose of discriminating important information from lesser or non-important information.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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